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# Where Do You Get All of This Information? Collecting Crime Data



**B**y now it should be clear to you that you can't do this alone. You need to identify all of those individuals from whom crime reports should be collected.

The *Clery Act* mandates that institutions must disclose statistics both for crimes reported to local police agencies and crimes reported to campus security authorities. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals, and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. In any case, you must identify campus security authorities, and you must inform them of their responsibility for *Clery Act* reporting. In addition, you must identify local police agencies responsible for the jurisdiction where your institution is located and request statistics from them. We'll begin with campus security authorities.

**The *Clery Act* regulations define a campus security authority as:**

- *A member of a campus police department or a campus security department of an institution.*
- *Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).*
- *Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.*
- *An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and*



**Identify  
all of those  
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Campus security authority  
cite  
34 CFR 668.46(a)  
definitions

*campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.*

Because official responsibilities and job titles vary significantly on campuses, a list of specific titles is not provided in the regulations. To determine specifically which individuals or offices are campus security authorities for your institution, consider the **function** of that individual or office. Your institution should look for officials (i.e., not support staff) whose functions involve relationships with students. If someone has significant responsibility for student and campus activities, he or she is a campus security authority.

For example, a dean of students who oversees student housing, a student center or student extracurricular activities has significant responsibility for student and campus activities. Similarly, a director of athletics, a team coach and a faculty advisor to a student group also have significant responsibility for these activities. Students may, in some cases, be considered campus security authorities (e.g., resident advisors/assistants, students who monitor access to dormitories).

Examples of individuals who would not meet the criteria for being campus security authorities include a faculty member who does not have any responsibility for student and campus activity beyond the classroom, clerical staff and cafeteria staff. A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students is unlikely to have significant responsibility for student and campus activity.

The function of a campus security authority is to report to the appropriate law enforcement personnel, either campus police or local police, or to an official or office designated by the institution, those allegations of *Clery Act* crimes that he or she concludes are made in good faith. (See Chapter 3 for an explanation of “good faith.”) A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel.

For example, if a resident assistant who has been identified as a campus security authority is told by a fellow student that she has been raped and is seeking emotional and medical support, the resident assistant should report this as a crime. It is reported regardless of whether the victim chooses to file a report with law enforcement or press charges.

**Certain individuals who have significant responsibility for student and campus activities are exempted from disclosing information:**

- **Pastoral counselor.** *A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.*
- **Professional counselor.** *A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.*

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. This means that a dean of students who has a professional counselor's license, but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting.

An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a counselor, is considered to be a counselor for the purposes of the *Clery Act*. An example would be a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the institution.

Because campus security authorities play an important role in *Clery Act* compliance, we recommend the following:

- Annually notify all appropriate individuals or offices in writing that they are campus security authorities and explain what is required of them. (See sample letter to campus security authorities following this section.)
- Provide training so that campus security authorities can be instructed what to do when a crime is reported to them. Emphasize the importance of the campus security authority's role in providing crime reports on an immediate basis to the individual or office responsible for issuing timely warnings. (Crimes subject to timely warnings are discussed in Chapter 5.)

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Campus security authority  
exemptions cite  
34 CFR 668.46(a)  
definitions

- Provide all campus security authorities with definitions of *Clery Act* crimes and geographic locations, as well as an explanation of the types of arrests and Referrals for Disciplinary Action that apply to the *Clery Act*. Provide them with Incident Report forms as well. Good record-keeping can help minimize the chances of the double reporting of crimes.
- Designate one individual or office to oversee campus security authorities and to be responsible for canvassing these individuals and offices and collecting and reviewing crime reports for inclusion in the annual security report and the Web-based report to ED. The obligation to collect crime reports made to campus security authorities belongs to the institution. That is, even if a campus security authority does not forward a crime report to the appropriate individual or office, the institution is responsible for ensuring that the crime report is disclosed in the annual security report and the Web-based report to ED.

### **Sample Letter to Campus Security Authorities**

*Purpose: This memorandum is intended to notify Campus Security Authorities, as that term is used in regulations implementing the Campus Security Act, of their obligation to report crimes for inclusion within the Annual Security Report. This memorandum should be sent annually, on or about the start of the fall semester, and immediately upon the appointment of any individual to a position as a campus security authority (e.g., a copy of this memorandum should be sent to anyone appointed as a faculty advisor to a student organization). A copy of the memo should be placed in each recipient's personnel file. Please complete the date before sending the memo. One copy of an Incident Report form should be sent along with each memo.*

#### **Memorandum**

To: Distribution List ("Campus Security Authorities")

From: \_\_\_\_\_, President

Date:

Re: Crime Reporting Requirements

Recent amendments to the Campus Security Act, a federal law that requires colleges and universities to annually compile and publish crime statistics for their campuses and certain other areas, require that "campus security authorities" report crime statistics for inclusion in the college's Annual Security Report. If you are listed below in the distribution list, then you are a "campus security authority" as that term has been defined by the United States Department of Education. "Campus security authorities" include faculty advisors to student organizations, athletic team coaches, members of the security department, the Dean of Student and Instructional Support Services, the Dean of Financial and Administrative Services, the Dean of the Leonardtown Campus, the Dean of the Prince Frederick Campus, the Director of Student Life, and the Coordinator of Intramural and Intercollegiate Athletics.

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Because of the law's complex reporting requirements, the most reasonable and effective way to manage the reporting is as follows. If you observe any crime listed below, or if any person reveals to you that he/she learned of or were the victim of, perpetrator of, or witness to any crime listed below, immediately complete an Incident Report form and, as indicated on the bottom of the form, send copies to the Dean of Financial and Administrative Services and to the Facilities department. This applies to crimes on any of the four college campuses (LaPlata, Leonardtown, Prince Frederick, and Waldorf), public property adjacent to each of those campuses and locations at which other college activities are taking place. Please ensure that you complete all information on the form based on the information you possess. Please do not investigate the crime or attempt to determine whether a crime, in fact, took place. Simply make the report. Appropriate college personnel may later contact you or others to gather additional information. A copy of the Incident Report form is enclosed with this Memorandum. Additional forms may be obtained from the Central Supply Office (BI021, ext. 7741)

Crimes that should be reported are:


- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- All hate crimes involving bodily injury
- All liquor, drug or weapons law violations resulting in an arrest

If you are in doubt as to whether a crime is reportable, please err on the side of reporting the matter. With the exception of liquor, drug and weapons law violations, it is immaterial whether an arrest is made. For purposes of your reporting, please assume that a hate crime is any crime manifesting evidence that the victim was selected because of the victim's actual or perceived race, religion, sexual orientation, gender, ethnicity/national origin, or disability.

If you have any questions regarding reporting obligations, please contact (name deleted), Assistant to the President/General Counsel, at extension 7643. Thank you for your assistance in fulfilling these federal requirements.

Enclosure (Incident Report form)

Distribution: (list names)



**Can you identify your institution's campus security authorities? Remember that they are identified by their function (i.e., whether the individual or office has significant responsibility for student and campus activities).**

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Local police statistics cite  
34 CFR 668.46(c)(9)

## Obtaining Statistics From Local Police Agencies

The *Clery Act* requires that an institution make a reasonable, good-faith effort to obtain the required statistics and may rely on the information supplied by a local or state police agency. If the institution makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or state police agency to supply the required statistics.

The *Clery Act* does not require local police agencies to provide crime statistics to institutions. This is the reason for the good-faith effort on behalf of institutions to obtain the statistics. The phrase “may rely on” means that an institution is not required to verify the accuracy of the statistics that are provided.

The *Clery Act* requires the use of *UCR* definitions when disclosing crimes, but not all police agencies use these definitions. If you are provided with statistics that are not classified according to *UCR* definitions, we recommend that the statistics be converted to *UCR* classifications, or that you include the statistics with an explanation that *UCR* classifications were not used for crimes reported to local police.

In some situations, local police cannot provide a breakdown of statistics specific to *Clery Act* geographic areas. For example, the police may provide your institution with statistics for the entire city or they may include statistics for private residences and businesses. In cases such as these, we suggest that you omit the local police statistics but provide a statement explaining that local police could not provide a statistical breakdown appropriate for *Clery Act* reporting.

If the local police do not comply with your request to provide you with statistics, document this. Be sure to retain any written correspondence to and from the police agencies.

**How do you obtain statistics from local police?** The *Clery Act* requires you to make a good-faith effort to obtain statistics from the local police department, but does not specify how to go about doing this. For those individuals who are not experienced in these matters, the following are suggestions to help you obtain the required information:

1. **Determine the correct local police authorities for your institution’s jurisdiction.** It’s vital that you request statistics from every agency in your institution’s jurisdiction. If you are unsure where to begin, call your local area information number (generally 411), and give your institution’s address to the operator. He or she can give you the telephone number of the local police who respond to calls for your location.

Call that agency, and ask to speak with a supervisor or administrator. Ask that individual what other law enforcement agencies have concurrent jurisdiction in the area where your institution is located. Be sure to include state law enforcement agencies. You will need to provide addresses of any noncampus buildings or property as well.

For each agency you then contact, inquire about their authority. Some agencies in your jurisdiction may only provide court security, administer the jail, transport prisoners, serve papers, etc.

2. **Determine who to contact at each applicable agency.** A supervisor or public affairs office is always a good place to start. They should be able to direct you to the appropriate person.
3. **Determine when to contact.** Early in the year is best because the agencies will need time to collect the information.
4. **Document that you have made a good-faith effort to obtain the statistics.** We suggest that you write a letter annually (on your institution's official letterhead, if possible) describing all of the following:
  - a. **What you need.** You need the required statistics by *Clery Act* geographic locations including hate crimes by category of prejudice for the calendar year for which you are compiling the statistics. Be very specific about what constitutes public property for *Clery Act* reporting purposes.
  - b. **Why you need it.** The information is required by the *Clery Act* for disclosure in the annual security report and the report to ED.
  - c. **The format in which you need it provided—in writing** (either paper or electronic version). Ask for crimes to be provided using *UCR* classifications. If *UCR* classifications are not used, ask what classifications were used (e.g., state crime classifications).
  - d. **When you need it.** You must request statistics from the local and state police at least annually. Give the police a deadline for providing the statistics to ensure inclusion in your statistical disclosures.
  - e. **Where it should be sent.** Provide your institution's mailing or e-mail address.
  - f. **To whom it should be sent.** Provide the name and title of the person who is responsible for collecting these data.

If you make a phone call asking for this information, we suggest that you follow up with a letter for the purpose of documentation. Keep a copy of the letter requesting the required *Clery Act* statistics from the police agency. Also document any response from the police agency.

If your institution has a branch campus in a foreign country, the institution is required to make a good-faith effort to obtain statistics from the local police authorities. Again, carefully document your request and any response.



## Sample Request for Statistics from Local Police

[Date]

[Commanding Officer of Local Police Agency]

[Name and address of Local Police Agency]

Dear [\_\_\_\_\_]:

I would like to request crime statistics for the locations described below for the 2004 calendar year. Pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“*Clery Act*”), the [name of campus] is required to annually compile and publish crime statistics. This annual report must include statistics of specified crimes reported to local police agencies that occurred on or near campus and on University controlled or affiliated property. The criminal offenses that the campus is required to report are the following offenses as defined by the FBI Uniform Crime Report (sex offenses are defined using the *UCR-National Incident-Based Reporting System*): murder/non-negligent manslaughter; negligent manslaughter; forcible sex offenses; nonforcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; and arson. In addition, I need statistics concerning any of the above crimes that manifest evidence of a hate crime, in addition to other crimes that involve bodily injury that also manifest evidence of a hate crime. Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the victim’s race, gender, religion, sexual orientation, ethnicity/national origin or disability.

[Name of school] is also required to request statistics for arrests for these categories only: liquor law violations, drug law violations, and illegal weapons possession. Please provide these statistics for each category separately.

Pursuant to the *Clery Act*, the campus is required to report these crimes separately for a number of geographic locations. These locations include the main campus, on-campus student residential facilities, off campus buildings or property that is owned or controlled by the University, or a recognized student organization such as a fraternity, and public property immediately adjacent to the main campus.

Therefore, I respectfully request the required statistics for the following locations:

- [main campus]
- [addresses of off campus property owned or controlled by an officially recognized student organization]
- [other off campus property owned or controlled by the University and used in relation to the University’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution; e.g., property leased or owned by the University in the community surrounding the campus]
- [public property within or immediately adjacent to and accessible from the campus]

I have enclosed a “Crime Statistic Report Form” and “Sexual Offense Statistic Report Form” that are provided to campus officials required to comply with the same statistical reporting obligations we are requesting of you. I hope these forms further clarify the information that I am requesting of you.

I very much appreciate your cooperation in assisting us in complying with this federal law. If you have any questions or wish to further discuss this request, please contact me at [phone number].

Sincerely,

[Chief of Campus Police Department]

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# Section 3: Ongoing Disclosure Requirements

There are two distinct, ongoing *Clery Act* requirements discussed in this section of the handbook. Each is intended to keep the campus community, and any other interested individuals, apprised of crime on an everyday basis.

Chapter 5 discusses the timely warning component of *Clery Act* compliance. Chapter 6 provides instructions for keeping a daily crime log.

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# Alerting Your Campus to Threats: The Timely Warning

## CHAPTER 5



All of us want to be alerted to potentially dangerous situations near our homes or workplaces so that we can take appropriate precautions. Apply this to a college campus, and you have the concept of the “timely warning.” In order to keep the campus community informed about safety and security issues on an ongoing basis, an institution must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These crimes must include all *Clery Act* crimes (remember Chapter 3?) that are:

- Reported to campus security authorities or local police agencies; and
- Are considered by the institution to represent a serious or continuing threat to students and employees.

In addition to making timely warnings, an institution is required to have a timely warning policy (more about this in Chapter 8). All Title IV institutions are subject to the timely warning regulation. There are no exceptions.

Timely warnings can be issued for threats to property, as well as for threats to persons. It is irrelevant whether the victims or perpetrators are members of the campus community. The *Clery Act* mandates timely warnings only for *Clery Act* crimes, but nothing in the *Clery Act* prohibits timely warnings for other crimes that may pose a serious or continuing threat to the campus community (e.g., kidnapping). While there is no requirement to do so, we recommend that your institution request that local police keep the institution informed on an immediate basis of crimes that may require timely warnings. This request may be made as part of your annual letter to police requesting crime statistics.

By now you are probably asking, “What do you mean by ‘timely?’” and “How do you expect me to alert everyone?” Neither the *Clery Act* nor ED define “timely.” The warning should be issued as soon as the pertinent information is available because the intent of a timely warning is to alert the campus community of continuing

Timely warning cite  
34 CFR 668.46(e)



**All Title IV institutions are subject to the timely warning regulation. There are no exceptions.**

threats especially concerning safety, thereby enabling community members to protect themselves.

Although the format for the warning has not been mandated, the notice must be timely and reasonably likely to reach the entire campus community and aid in the prevention of similar crimes. Therefore, timely warnings must be issued in a manner that gets the word out quickly communitywide. They may be e-mailed, posted around campus, or otherwise distributed according to your institution's policy. A combination of dissemination methods may be used. Timely warnings may not be issued in a manner or posted in a location that requires the campus community to make requests for them or to search for them. The responsibility for the warning rests solely with the institution.

### **Information to Be Included in the Warning**

*Clery Act* regulations do not specify what information should be included in a timely warning. However, because the intent of the warning is to enable members of the campus community to protect themselves, the warning should include all information that would promote safety. Your institution's policy regarding timely warnings should specify what types of information will be included.

### **Making the Decision to Issue A Timely Warning**

The issuing of a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. We recommend that the institution meets beforehand with its security personnel and with local and state law enforcement authorities to discuss what is reasonable in terms of the timely reporting of crimes. Your institution's policy on timely warnings should specify who or which office is responsible for issuing the warnings.

### **Crimes Exempt From the Timely Warning Requirement**

An institution is not required to provide a timely warning for crimes reported to a pastoral or professional counselor. (See Chapter 4 for definitions of pastoral and professional counselors.) There are no other exemptions.

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34 CFR 668.46(a)  
34 CFR 668.46(e)(2)

## The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning Requirement

The *Clery Act* does not require confidential reporting of crimes. Although personally identifiable information is generally precluded from disclosure, this information may be released in an emergency situation. ED's May 1996 Dear Colleague Letter on Campus Security Issues reads in part:

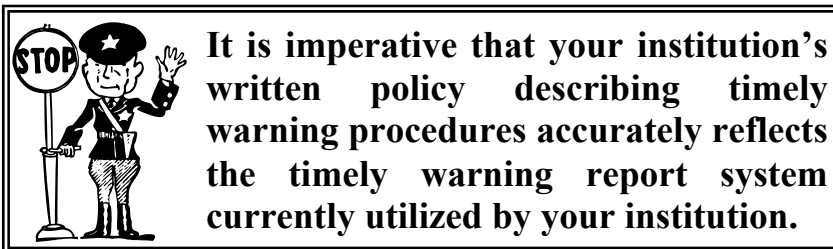
*FERPA does not preclude an institution's compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.*

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34CFR. 99.31(b)(6) and  
99.36

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20 USC 1232g(b)(6)



## **Sample Timely Warnings**

### **UWPD CAUTIONS STUDENTS ABOUT DATE RAPE DRUGS**

*April 11, 2002*

*by (name deleted), chief, UW Police Department*

The University of Wyoming Police Department received reports of two possible sexual assaults over the weekend of April 5. The circumstances of these assaults suggest the involvement of date rape drugs.

In both cases, the victims reported symptoms consistent with the use of these substances: a rapid onset of intoxication out of proportion to what they may have had to drink, and reported memory loss. In one case the victim declined to pursue a criminal investigation, and the UW Police Department is actively investigating the other.

The phenomenon of drugs being used to facilitate sexual assault has been widely reported across the country. Although no confirmed cases have previously been reported on-campus, the UW Police Department urges the Laramie community to be alert to the possibility and take steps to protect themselves. Date rape drugs, commonly Rohypnol, GHB, and Ketamine, can be slipped into an unsuspecting person's drink. Rapid and severe intoxication follows, along with dramatically reduced inhibitions and memory loss. In this condition, anyone can be extremely vulnerable to sexual assault.

To protect yourself, do not leave drinks unattended and be wary of accepting drinks from people you do not know well. To be even more careful, make sure that you open and pour your own drink, and don't share drinks with others. It is also wise to use the buddy system while socializing - when you go out with friends, agree to keep an eye on one another and to go home together. If a friend starts to exhibit symptoms of date rape drug ingestion, seek medical help immediately. Signs to look for include: dizziness and/or nausea, memory loss, breathing or motion difficulties, and acting disproportionately intoxicated relative to the amount of alcohol consumed.

The UW Police Department urges anyone who believes they or a friend have been the victim of a date rape drug to immediately contact their local law enforcement agency. On-campus, the UWPD can be reached at 766-5179. Victims of any form of sexual assault are encouraged to seek confidential support at the University Counseling Center, 340 Knight Hall, 766-2187.



**JMU Case 2004-000668**

**TIMELY NOTIFICATION BULLETIN**  
**Possible Threat to the Community**  
**"Your Right to Know"**  
**January 26, 2004**

In compliance with the "Timely Notice" provisions of the federal **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998** the University Police are giving notice of a disturbing act of violence reported to have occurred near the Tri-Sigma Sorority House, Greek Row/"Tree House" Residences, on the campus of James Madison University.

**REPORTED OFFENSE:** Reported Assault & Battery, constituting a Forcible Sexual Offense, was reported to have occurred on the university's residential area known as Greek Row at approximately 12:45a.m., early Saturday morning January 24, 2004. This location is on the campus of James Madison University just to the south of the Newman Drive railroad track crossing and the university's power (steam) plant.

**SUSPECTS:** Both described as "college" age males; race unreported; the first attacker of "average" build, approximately 5'10" in height, about 140 lbs.; wearing a black hooded garment and blue jeans; the second attacker shorter than the first, of "medium" build; wearing a grey hooded garment and blue jeans.

The complainant reported that she was returning to her residence hall very early Saturday morning, unaccompanied. As she walked south along Greek Row she stated that two male subjects approached from behind and threw her to the ground. They then attempted to remove her clothing. Both subjects fled on foot after the victim screamed.

It can be assumed that conditions continue to exist that may pose a threat to members and guests of the community. It is the duty of the institution to warn of possible "dangerous conditions" on or near its campus, and at affiliate organizations off campus; an "affirmative duty" exists to warn persons associated with this university of possible peril at the hands of some third party or parties. Consider carefully whether your presence at or near this complex while unaccompanied could place you in danger.

Please forward this notice to your colleagues and post it on appropriate bulletin boards in your area. If you have any information that might be helpful in this investigation, contact the University Police by telephone at (540)568-6911; in person at Shenandoah Hall, Patterson and South Main; or, if you wish, anonymously through "Silent Witness," at <http://www.jmu.edu/pubsafety/silent.htm>

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# Writing It All Down: The Daily Crime Log

## CHAPTER 6



**D**oes your institution have a police department or security office (of any size) as described in Chapter 2 of this handbook? If you can answer “no” to this question, you may skip this chapter. Otherwise, read on.

Any institution that has a campus police department or security office, regardless of size, must create, maintain and make available a daily crime log. This means that even if your institution has one police officer, the institution must comply with this regulation. The crime log differs from other *Clery Act* disclosure requirements in some important ways:

- A crime is entered into the log when it is reported to the campus police or security department. That is, if a crime is initially reported to a campus security authority other than the campus police or security department, it is not recorded in the crime log unless it is subsequently brought to the attention of the campus police or security department.
- Crime log entries include *all* crimes reported to the campus police or security department, not just *Clery Act* crimes.
- There is an additional geographic location that applies exclusively to the crime log. In addition to recording reported crimes that occurred on campus, in or on noncampus buildings or property, or on public property within the campus or immediately adjacent to and accessible from the campus, reports of *crimes that occurred within the patrol jurisdiction of the campus police or security department are also entered into the crime log.*

Many institutions are also required by state law to maintain a log. If your institution maintains such a log, you may use that same log providing it meets all *Clery Act* requirements.

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Crime Log cite  
34 CFR 668.46(f)

The daily crime log is not a general, catch-all incident log. Its purpose is for recording **alleged criminal** incidents that are reported to the campus police or security department. For example, if a student reports losing his or her wallet in the parking lot behind a dorm, it is not a criminal incident, and there is no requirement to record it in the log. However, if a student reports that his or her wallet was stolen from the student’s dorm room, this is a criminal incident and your institution is required to record it in the log. Specific traffic violations to include, should they be reported, are driving under the influence (DUI), driving while intoxicated (DWI), hit-and-run (of a person), and vehicular manslaughter. Violations not considered to be “crimes” (i.e., citations for moving violations) are not required to be recorded.

### Creating Your Log

As with all aspects of *Clery Act* compliance, documentation is vital. Begin by clearly identifying your log as a Daily Crime Log. One method of formatting a crime log is shown in the following example.

#### Sample Daily Crime Log

#### Daily Crime Log Calendar Year 2003

Nature (classification)	Case Number	Date/Time Reported	Date/Time Occurred	General Location	Disposition
Larceny	2003-0003	01/20/03 1505hrs	01/10/03 0800hrs	Main Building	Closed 05/24/03
Vandalism	2003-00010	01/27/03 1231hrs	01/17 - 01/22/03	Cromer Bergman	Closed 05/24/03
Phone Calls/Profane	2003-00035	04/12/03 1937hrs	04/12/03 1930hrs	Tinker Dorm	Open
Liquor Law Violation	2003-0040	04/23/03 0300hrs	04/23/03 0300hrs	Dana/Moody Lot	Judicial Referral

### Maintaining Your Log

The sample log above is meant to be illustrative, not prescriptive. The law requires that logs be easily understandable and include specific categories of information. The example includes a column for case numbers, which is not required by law, but which aids in recording and tracking a crime report. You may include other data elements or columns in your crime log in keeping with state crime log requirements or internal campus security record-keeping procedures, but such additional information is not required by the *Clery Act*.

## Required Information

### The Nature of the Crime

The nature of the crime refers to a description of the reported criminal incident. This can be a brief description such as “simple assault,” or a more detailed description such as “simple assault—non-student victim involved in domestic encounter with student offender.”

Use an easy-to-understand text definition as opposed to using a code, “agency assist,” or initials for the crime. It is acceptable to use state crime classifications (i.e., non-*UCR* classifications) for the crime log.

### The Date the Crime was Reported and The Date and Time It Occurred

Remember, a crime is entered into the log by the date it was reported to the campus police or security department, regardless of how much time has passed since the crime was committed. However, you must include the date and time the crime occurred in the log. If the exact date and time of the crime are not known, a range can be used.

### The General Location of the Crime

You must provide the general location of the crime. Use a description that will mean something to the campus community, such as a dorm name. Do not enter the location as “in a dormitory.” You may also use landmarks in describing a location.

### The Disposition of the Complaint, If Known

Include the current status of each complaint in the log, if known. For example, “pending,” “judicial referral,” “judicial affairs,” or “criminal arrest.”

An entry, an addition to an entry, or a change in the disposition of a complaint, must be recorded within two business days of the reporting of the information to the campus police or the campus security department. A business day is Monday through Friday, except for days when the institution is closed. The only exceptions to this rule are:

1. If the disclosure is prohibited by law; or

2. If the disclosure would jeopardize the confidentiality of the victim.
  - a. If your institution is required to maintain a state crime log that requires the victims' names to be listed, and that same log serves as your *Clery Act* crime log, names of crime victims must be redacted for public inspection. That is, the federal *Clery Act* regulations requiring that a disclosure may not jeopardize the confidentiality of the victim takes precedence over state crime log laws.

Note that your institution is not required to update the disposition of a crime log entry after 60 days have passed. This means 60 days after the entry was made in the log—not 60 days after the crime occurred.

An institution may temporarily withhold information in some cases. There must be clear and convincing evidence that the release of information would:

- Jeopardize an ongoing investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection; or
- Result in the destruction of evidence.

Your institution may withhold only that information that could cause an adverse effect, but you must disclose such information once the adverse effect is no longer likely to occur. This means that if it is determined that information you would normally include in the crime log would cause a harmful effect, you may withhold that information temporarily until the information is no longer likely to prove harmful. The individual making the judgment to withhold information should document the reason for doing so.

If a reported crime is investigated by law enforcement personnel, and they determine that a crime did not occur, the log should indicate that the disposition of the crime is “unfounded.” The report of the crime would not be included in your institution’s *Clery Act* statistical disclosures.

Only sworn or commissioned law enforcement authorities that investigate the crime can make a determination that it is unfounded. A crime cannot be determined to be unfounded by a campus security authority other than a law enforcement authority. (See Chapter 7 for a more detailed discussion of unfounded crimes.)

## Making Your Log Available

Your institution may use either a hard copy log or an electronic format. Either format must be accessible on-site. That means, if you have separate campuses, the log must be available at each campus. The crime log for the most recent 60-day period must be open to public inspection, upon request, during normal business hours. Anyone may ask to see the log, whether or not they are associated with your institution. This includes the media. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Your institution should provide students and employees with a description of the log, noting its location and availability. Crime logs must be kept for three years following the publication of the last annual security report to which they apply (in effect, seven years). See Chapter 10 for more information regarding records retention.

The crime log itself is not submitted to ED, although you may be required to produce it during an audit or review. However, information from the crime log should be used, along with additional information, to gather the statistics that are required for inclusion in the annual security report and the annual report to ED (i.e., *Clery Act* crimes occurring in the geographic locations described in Chapter 2 of the handbook).



**Remember that criminal incidents reported to the campus police or security department must be entered into the log even if they are reported well past the time they occurred.**

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# Section 4:

# Annual Disclosure Requirements

There are two major *Clery Act* requirements with which all institutions must comply on an annual basis—the annual security report and the Web-based data collection. We’ll begin with the annual security report, and finish with a walk-through of Web-based data collection.

As stated in Chapter 2, the *Clery Act* mandates that all Title IV institutions, *without* exception, prepare, publish and distribute an annual security report. This report consists of two basic parts: 1) disclosure of your institution’s crime statistics for the past three years; and 2) disclosures regarding your institution’s current campus security policies. Because of the complexity of the task, we’ve divided the information you need into several chapters. Chapter 7 provides guidelines for how to count crimes for the statistical portion of the report. Chapters 8 and 9 address the required policy statements, and Chapter 10 explains how to disseminate the report.

In addition, all Title IV institutions must complete a Web-based data collection each year. The data for this collection are taken from the statistical portion of your institution’s annual security report. Chapter 11 guides you through the Web survey step-by-step and also provides you with help desk contact information.

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# Adding It All Up: How to Count *Clery Act* Crimes

## CHAPTER 7



It's important to understand how and when to count crimes, both to avoid double counting and to disclose data comparable to all other reporting institutions. All crimes are disclosed **by the calendar year (Jan. 1 – Dec. 31) in which they were reported, regardless of the year in which they occurred.** For example, if a crime that occurred in 2003 was not reported until 2004, you must include it with your 2004 disclosures.

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Recording crimes cite  
34 CFR 668.46(c)(2)

## How Do You Count Crimes?

### Counting Offenses

- Criminal Homicide—count one offense per victim.
  - Disclose the number of murders and non-negligent manslaughters and the number of negligent manslaughters separately.
- Sex Offenses—count one offense per victim.
  - Disclose the number of forcible sex offenses and the number of non-forcible sex offenses separately. You have the option of providing a breakdown of offenses for each of these categories; however, this is not required. For example, you may separate forcible sex offenses as follows: Forcible Rape, Forcible Sodomy, Sexual Assault With an Object and Forcible Fondling.
- Robbery—count one offense per each distinct operation (i.e., incident).
- Aggravated Assault—count one offense per victim.
- Burglary—count one offense per each distinct operation.

- Motor Vehicle Theft—count one offense per each stolen vehicle.
- Arson—count one offense per each distinct operation.
- Any of the above offenses that are classified as Hate Crimes are counted in a similar manner. For Hate Crimes involving bodily injury, count one offense per victim.

Arrests include persons processed by arrest, citation or summons. (See Chapter 3 for a detailed discussion of arrests.)

### **Counting Arrests for Illegal Weapons Possession, Drug Law Violations or Liquor Law Violations**

- Count the number of arrests for illegal weapons possession, the number of arrests for drug law violations and the number of arrests for liquor law violations. Disclose these numbers separately.
- If the same person is arrested for multiple incidents in the same calendar year (e.g., one arrest in February and one arrest in March), count this as two arrests. It is counted as two arrests even when both arrests are for the same violation (e.g., both were drug law violations).
- If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident (e.g., arrested for a drug law violation and referred for a liquor law violation) count only the arrest.
- If a person is both arrested and referred for disciplinary action for a single incident involving a law violation (e.g., a drug law violation), count only the arrest.
- If a person is arrested for multiple violations during a single incident (e.g., violations of both drug and liquor laws), law enforcement discretion should determine which violation should be counted. We recommend that you document the justification for this determination.
  - Officer discretion is allowed only for illegal weapons possession and drug and liquor law violation arrests and referrals that occur during the same incident.
- Do not combine statistics for arrests and persons referred for disciplinary action. They are disclosed separately.

## Counting Referrals for Disciplinary Action for Illegal Weapons Possession, Drug Law Violations and Liquor Law Violations

Referrals include any persons referred to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction. (See Chapter 3 for a discussion of referrals for disciplinary action.)

- Count the number of persons who were referred for illegal weapons possession, the number referred for violations of drug laws, and the number referred for violations of liquor laws. Disclose these numbers separately.
- Do not count the number of persons who were referred for disciplinary action solely for violation of institutional policy. Only count the number of persons referred for violations of the law.
- If a person is referred for disciplinary action for multiple incidents in the same calendar year (e.g., one referral in February and one referral in March), count this as two persons referred for disciplinary action. It is counted as two persons even if both referrals are for the same type of violation (e.g., both were drug law violations).
- If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident (e.g., arrested for a drug law violation and referred for a liquor law violation) count only the arrest.
- If a person is referred for disciplinary action for multiple violations during a single incident (e.g., violations of drug and liquor laws), law enforcement should use discretion to determine which violation referral should be counted. We recommend that you document justification for this determination.
  - Officer discretion is allowed only for illegal weapons possession and drug and liquor law violation arrests and referrals resulting from a single incident.
- Do not combine statistics for arrests and persons referred for disciplinary action. They are disclosed separately.

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FBI hierarchy rule cite  
34 CFR 668.46(c)(7)

## Beyond the Basics—Additional Rules and Information

### The Hierarchy Rule

When counting multiple offenses, you must use the FBI's *UCR* Hierarchy Rule. This requires you to count only the most serious offense when more than one offense was committed during a single incident. A single incident means that the offenses must be committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. Beginning with the most serious offense, the following list shows the hierarchy you must use for *Clery Act* reporting:

- Murder and Non-Negligent Manslaughter
- Negligent Manslaughter
- Forcible Sex Offenses
- Non-Forcible Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arrests
- Referrals for Disciplinary Action

Although arrests and referrals are technically not part of the hierarchy, they are shown here to illustrate their place in counting crimes. For example, if a student is arrested for Aggravated Assault and Illegal Weapons Possession, disclose only the Aggravated Assault.

Also, based on the hierarchy rule, if a student is both forcibly raped and robbed during a single incident, disclose only the Forcible Sex Offense, because it is classified as the more serious crime in the hierarchy.

There are exceptions to applying the hierarchy rule when counting offenses. These apply to Arson and Hate Crimes.

**Arson**

- Arson is always counted as an offense regardless of the nature of any other offenses that were committed during the same incident.
- When multiple offenses are committed during the same distinct operation as the Arson offense, the most serious is reported along with the Arson.
- Incidents in which persons are killed as a direct result of arson are classified as both Murder and Non-Negligent Manslaughter or Negligent Manslaughter, and Arson.

**Hate crimes**

- All of the offenses committed in a multiple offense incident that are bias-motivated should be disclosed.
- In a multiple-offense incident, only the crimes that are bias-motivated should be classified as hate crimes.

**Attempted crimes**

Do not differentiate between attempted and completed crimes. For example, an incident involving an attempted forcible rape is counted as a forcible sex offense. The only exception to this rule applies to attempts or assaults to murder wherein the victim does not die. These incidents should be classified as aggravated assaults rather than murders.

**Status of the Victim and Perpetrator**

The status of the victim and the perpetrator is irrelevant. All *Clery Act* crimes are counted, even if they involve individuals not associated with the institution.

**No Personal Identification**

Disclosure of the number of reported crimes may not include the identification of the victim or the person accused of committing the crime. The *Clery Act* does not require crimes to be *reported* anonymously. It prohibits personally identifiable information from being *included* in the institution's disclosure of crime statistics. Crime reports made to campus security authorities may include personally identifiable information to aid in crime investigation. However, this information is omitted from the annual security report and the Web-based data collection.

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Personally identifiable  
information prohibition cite  
34 CFR 668.46(c)(5)

Note that, while unlikely, it is possible that a statistic may potentially identify an individual. This could occur, for example, if your institution has only one disabled individual in its campus community and you report an on-campus hate crime categorized by a disability bias. For this reason, we recommend that schools add a caveat to the entire statistical disclosure section stating that reported crimes may involve individuals not associated with the institution.

### **Excluded Crimes**

There are some crimes that are not included in your institution's statistical disclosures. They are:

- **Any crime not required to be included by the *Clery Act*.** Required crimes are discussed in Chapter 3.
- **Unfounded crimes.** If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered “unfounded” and is not included in your institution's statistics. Only sworn or commissioned law enforcement personnel may “unfound” a crime. Note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution or the failure to make an arrest does not “unfound” a legitimate offense. Also, the findings of a coroner, court, jury or prosecutor do not “unfound” offenses or attempts that law enforcement investigations establish to be legitimate. If a crime is reported and is later “unfounded” in a subsequent year, your statistics should reflect this change. Use a caveat to note that the change in a prior year's statistics reflects the “unfounding” of a crime.
- **Crimes not committed in geographic locations specified by the *Clery Act*.** For example, while forcible rape is a *Clery Act* crime, where it was committed is important in determining if the crime must be disclosed in the annual security report and the Web-based report to ED. If a student reports being raped over spring break, the rape must be disclosed if it occurred on campus, in or on a noncampus building or property, or on public property as defined by *Clery Act* regulations. If the rape did not occur in one of these locations, it is not included in your *Clery Act* statistics.





Now that you know more about defining, classifying and counting crimes, you may be concerned that, due to more accurate reporting, your current crime statistics will show a significant increase or decrease from the prior year's numbers.

If this is the case, you may provide an explanation to readers that the increase or decrease from the last year may be due to your institution's better understanding of the regulations regarding how crimes should be classified and counted, and is not due to an actual increase or decrease in reported crimes.

This explanation is optional and should only be provided if your institution can support it with documentation. You should not merely speculate or assume the reason for a significant increase or decrease in crime numbers.

## After the Count—Presenting the Statistics

*Clery Act* regulations require you to include statistics for reported crimes in your annual security report as follows:

- By the calendar year in which the crime was reported for each of the three most recent years;
- By the type of crime, arrest or disciplinary referral; and
- By the geographic location in which the crime occurred.

### General Crime Statistics

Present general (non-hate) crime statistics in a tabular format. You may use a single table or multiple tables. Clear and consistent labeling will make the information presented easier to read. You may include caveats as necessary. For example, if your institution housed students in an on-campus dormitory for the first time last

year, it would be helpful to provide a caveat explaining why crime statistics for the “dormitories or other residential facilities for students on campus” category were included for only the most recent year.

A sample template is shown below, and other formats are included in Appendix F; however, there is no prescribed format for how your table or tables should look.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	**RESIDENTIAL FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	OPTIONAL TOTAL
MURDER / NON-NEGLIGENT MANSLAUGHTER						
NEGLIGENT MANSLAUGHTER						
SEX OFFENSES, FORCIBLE						
SEX OFFENSES, NON-FORCIBLE						
ROBBERY						

The following is a checklist to help you prepare your annual security report:

- Include statistics for the three most recent calendar years. Enter statistics for each year separately. For example, for your 2005 report, enter statistics separately for 2002, 2003 and 2004.
- Include categories for all required geographic locations that pertain to your institution. All institutions must include on-campus and public property locations. If your institution has dormitories or other residential facilities for students on campus or noncampus buildings or property, you are required to include these locations as well. If your institution does not have dormitories or other residential facilities for students on campus or any noncampus buildings or property, remember to include a caveat stating this.

- Include all crime categories and list them separately. Remember to separate statistics for Murder and Non-Negligent Manslaughter and statistics for Negligent Manslaughter. Also separate statistics for Forcible Sex Offenses and statistics for Non-Forcible Sex Offenses.
- Although it is not required, you may provide a more detailed breakout of sex offenses. For example, Forcible Sex Offenses may be subcategorized as Forcible Rape, Forcible Sodomy, Sexual Assault With an Object and Forcible Fondling.
- Including totals for crime categories (e.g., the total robberies reported for all geographic locations for the year) is optional.
- Enter statistics separately for arrests for illegal weapons possession, arrests for drug law violations and arrests for liquor law violations. Also enter statistics separately for the number of persons referred for disciplinary action for illegal weapons possession, the number referred for drug law violations and the number referred for liquor law violations.
- Remember to enter statistics for arrests and the number of persons referred for disciplinary action by year and by geographic location.
- Zero (0) is a statistic. Do not leave any cells blank even if you have no crimes to disclose for a particular category. Instead, enter a zero whenever you have no crime to disclose in a particular cell.
- Include all crimes reported to campus police or security (if applicable), other campus security authorities, and from local police (if the local police have complied with your request for statistics). You may enter these statistics separately or in a combined manner. For example, one option is to combine statistics for crimes reported to campus police/security and other campus security authorities in one column and enter the statistics from local police in another column.
- There is no prescribed order for presenting your statistical disclosures and your policy statement disclosures in the annual security report.

## Hate Crime Statistics

Because institutions typically do not have many hate crimes to report, or none at all, we recommend that you present hate crime data in a narrative or descriptive format. Remember the following when preparing your presentation:

- Report statistics for the three most recent calendar years.
- Report statistics by geographic location and by category of prejudice.
- Hate crime categories include all *Clery Act* offenses as well as any crime involving bodily injury.
- Arrests and referrals for disciplinary action for weapons, drug or liquor law violations are not categorized as Hate Crimes for *Clery Act* reporting purposes.

### *Examples of Hate Crime Reporting*

#### **1) Hate Crimes**

2004: One on-campus robbery characterized by religious bias.

2003: One noncampus robbery characterized by ethnicity/national origin bias, and one public property aggravated assault characterized by sexual orientation bias.

2002: No hate crimes reported.

#### **2) Hate Crimes**

There were no reported hate crimes for the years 2002, 2003 or 2004.

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# Not Just a Numbers Game: Disclosing Information About Policies, Procedures and Programs



A major requirement of your *Clery Act* compliance is disclosing policy statements in your annual security report. We have divided the policy statement requirements into two chapters. This chapter will focus on policies and practices regarding:

- How students and others should report criminal actions or other emergencies occurring on campus;
- Security of and access to campus facilities; and
- Campus law enforcement/security.

Chapter 9 will discuss policies regarding sex offenses and sex offender registration information. Here are some general guide-lines to keep in mind for all policy statements:

- Use language that will be understood by the general public (i.e., avoid heavily legal language).
- If your institution does not have a policy or program responding to one or more of the categories listed in the regulations, you must disclose this fact. Remember that your statements or descriptions of policies must accurately reflect your institution's current procedures and practices.
- Pay close attention to the requirements of each policy statement. In general, the *Clery Act* does not prescribe policies and procedures for schools to follow; however, both the law and the regulations set minimum requirements for specific information that must be addressed in an institution's annual security report.

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Policy statement cite  
34 CFR 668.46(b)(2)(i)-  
(b)(11)(vii)

- If you are compiling security reports for more than one campus, make sure your policy statements accurately reflect the current policies and practices of each specific campus.

The following section presents policy statements required by the *Clery Act*. In many cases the statement is broken down into its various components to emphasize the content that must be included. Explanations of statements and components of statements are introduced by “What does this mean?”. Each statement includes an example provided by a postsecondary institution.

Note that these are samples, as opposed to templates. Your institution’s policy statements must reflect your institution’s unique security policies, procedures and practices.

There is no prescribed order in which your policy statements should appear. You may also combine statements. For example, if your institution has a combined alcohol and drug policy, you may present it that way.

## Categories of Campus Security Policies That Must Be Addressed in the Annual Security Report

1. Provide a statement of **current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus**. This statement *must include* the institution's policies concerning its response to these reports, and must specifically address the following areas:

- a. Policies for making timely warning reports to members of the campus community regarding the occurrence of *Clery Act* crimes.

### What does this mean?

As discussed in Chapter 5, your institution must have a policy regarding its timely warning report system. We suggest that your policy include: 1) the circumstances for which a warning will be issued; 2) the individual or office responsible for issuing the warning; and 3) the manner in which the warning will be disseminated.

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34 CFR 668.46(b)(2)

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34 CFR 668.46(b)(2)(i)

### Sample Policy Statement Addressing Timely Warnings

#### Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Chief of University Police, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college e-mail system to students, faculty, staff and the campus' student newspaper, *The Breeze*.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Office of Public Safety may also post a notice on the campus-wide electronic bulletin board on the University Police web site at: <http://www.jmu.edu/pubsafety/IncidentListings.shtml>, providing the university community with more immediate notification. In such instances, a copy of the notice is posted in each residence hall, at the front door of each on-campus fraternity and sorority house, and in the Center for Off-Campus Living. The electronic bulletin board is immediately accessible via computer by all faculty, staff and students. Anyone with information warranting a timely warning should report the circumstances to the University Police office, by phone (568-6911) or in person at the dispatch center within Public Safety, [Shenandoah Hall](#), the southwest corner of Patterson and South Main Streets.

34 CFR 668.46(b)(2)(ii)

- b. Policies for preparing the annual disclosure of crime statistics.

**What does this mean?**

This refers to how the annual security report is prepared. Include a brief description explaining who prepares the report, and how and from what sources the crime statistics are collected.

**Sample Policy Statement Addressing Preparation of Disclosure of Crime Statistics**

**Policy For Reporting The Annual Disclosure of Crime Statistics**

The University Police prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at [www.police.sdsu.edu](http://www.police.sdsu.edu). You will also be able to connect to our site via the SDSU Home page at [www.sdsu.edu](http://www.sdsu.edu). This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites, Housing and Residential Services, the Judicial Affairs Officer, the Division of Business Affairs, and the Division of Student Affairs. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the SDSU Police, designated campus officials (including but not limited to directors, deans, department heads, designated HRLO staff, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses and is not required by law. California law (11160 of the California Penal Code) requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at Student Health Services) when they provide medical services to a person they know or reasonably suspects is suffering from wounds inflicted by a firearm or is a result of assaultive or abusive conduct. Department of Counseling and Psychological Services staff inform their clients of the procedures to report crime to the University Police on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Each year, an e-mail notification is made to all enrolled students that provides the web site to access this report. Faculty and staff receive similar notification with their paycheck. Copies of the report may also be obtained at the University Police Department Headquarters located at Student Services Building Room #1410 or by calling (619) 594-1985. All prospective employees may obtain a copy from Human Resources in Administration Room 326 or by calling (619) 594-6404, and the web site address will be attached to SDSU employment applications. A partial version of this report is located in the class schedule.



- c. A list of titles of each person or organization to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure. This statement *must* also disclose whether the institution has any institutional policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report.

34 CFR 668.46(b)(2)(iii)

### What does this mean?

The first part of this statement asks you to disclose the titles of each individual or organization your institution has designated for students and employees to report *Clery Act* crimes. This need not be a list of all your campus security authorities. While students and employees *may* report crimes to any campus security authority, the people and/or organizations you list in this policy statement are those to whom your institution *would prefer* crimes to be reported. Examples are the Campus Police Department and the dean of students.

## Sample Policy Statement Addressing the Reporting of Criminal Offenses

### To report a crime:

Contact University Police at 985-4101 (non-emergencies), dial 9-1-1 (emergencies only), or by using the Code Blue telephones located in the Residential Halls, Parking Lots or by some buildings. You may also use the red button on the pay telephones, which are marked Police Access. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Residential Halls should be reported to the police department. In addition you may report a crime to the following areas:

1. Associate Vice-President for Student Services	562-985-5587 Brotman Hall 377
2. Director, Counseling and Psychological Services	562-985-4001 Brotman Hall 226
3. Director, Student Health Center	562-985-4771 Student Health Center
4. Director, Staff Personnel Services	562-985-4031 Brotman Hall 335
5. Director, Equity and Diversity	562-985-8256 Student Union 301
6. Director, Judicial Affairs	562-985-5270 Brotman Hall 377
7. Director, Women's Resource Center	562-985-8575 LA3-105
8. Director, Housing and Residential Life	562-985-4187 Parkside Commons

For off campus options you may refer to the 2002-2003 CSULB catalog. University Police and the Long Beach Police Department have a mutual aid and working agreement. Each department augments the other within their jurisdictions during mutual investigations, arrest, and prosecutions. University Police personnel attend monthly meetings with local law enforcement agencies to exchange ideas and problems which may be of concern for the University community.

The second part of the statement asks you to disclose whether your institution has policies or procedures allowing voluntary, confidential crime reporting. Some states do not allow this. If your institution does not allow voluntary, confidential reporting, provide a statement disclosing this.

### **Sample Policy Statement Addressing Voluntary Confidential Reporting**

#### **Confidential Reporting Procedures**

If you are the victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Chief or a designee of UCIPD can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

### **Sample Policy Statement Addressing Limited Voluntary Confidential Reporting**

#### **CRIME REPORTING**

The UNM Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the UNM Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other UNM campus security authorities, as identified below. Confidential reports of crime may also be made to UNM Crime Stoppers at 277-STOP (277-7867).

2. Provide a statement of **current policies concerning security of, and access to, campus facilities**, including:

- a. Security of and access to campus facilities, including campus residences; and
- b. Security considerations used in the maintenance of campus facilities.

**What does this mean?**

Part (a) of this statement requires you to address both the security of, and access to, campus facilities, including campus residences. If your institution does not have any campus residences, your policy statement should note this. Address topics such as how your institution keeps its facilities secure, and how individuals gain or do not gain access to the facilities.

Part (b) of this statement requires you to address security considerations in maintaining campus facilities. For example, your institution may have someone who regularly checks to make sure pathways are well lighted.

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34 CFR 668.46(b)(3)

## **Sample Policy Statement Addressing Security and Access**

### **Access Policy**

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non business hours access to all College facilities is by key, if issued, or by admittance via the Department of Campus Safety or Residence Life staff. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities.

Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students. Some facilities may have individual hours, which may vary at different times of the year. Examples are the Physical Education Learning Center, the Library, and Decker College Center. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic have security surveys conducted of them. Administrators from the Dean's Office, Physical Plant, Residence Life, and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Directors of Facilities Management, Housing, Residence Life, Campus Safety, and Maintenance meet bi-weekly to discuss issues of pressing concern.

34 CFR 668.46(b)(4)(i)

3. Provide a statement of **current policies concerning campus law enforcement** that:

- a. Addresses the enforcement authority of security personnel, including:
- their working relationship with state and local police agencies; and
  - whether those security personnel have the authority to arrest individuals.

**What does this mean?**

This statement requires the institution to describe the enforcement authority of all security personnel. Note that you must specify their working relationship with both state police as well as local police. Include also whether the security personnel can make arrests. If only some of your security staff can make arrests, you should state this. If your institution does not have any security personnel, you must state this.

**Sample Policy Statement Addressing Campus Law Enforcement  
(For Institutions Whose Police Have Arrest Authority)**

**CAMPUS POLICE AUTHORITY AND JURISDICTION**

UTC Campus Police have complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus. If minor offenses involving University rules and regulations are committed by a University student, the campus police may also refer the individual to the disciplinary division of Student Affairs.

Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local police and joint investigative efforts with investigators from UTC and the city police are deployed to solve these serious felony crimes. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at either Municipal, General Sessions, or Federal Court of Hamilton County.

Campus Police personnel work closely with local, state, and federal police agencies and have direct radio communication with the City Police Department on the city police radio network. The University Police Department is also a part of the Hamilton County 911 Emergency System.

By mutual agreement with state and federal agencies, The University Police Department maintains an NLETS terminal (National Law Enforcement Telecommunications Network). Through this system police personnel can access the National Crime Information Computer system as well as the Tennessee Information Enforcement System. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

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Per agreement with the Chattanooga Police Department, the University Police Department's jurisdiction extends west bounded by Houston Street, east to Central Avenue, south to East Eighth Street, and north to the Manker Patton Tennis Complex and Scrappy Moore Field. Any University owned or leased property in outlying areas is patrolled jointly by both University and City Police.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the Dean of Students for any action or follow-up that may be required.

**Sample Policy Statement Addressing Campus Law Enforcement  
(For Institutions Whose Police Do Not Have Arrest Authority)**

Montgomery College Safety and Security offices have the authority to ask persons for identification and to determine whether individuals have lawful business at Montgomery College. Montgomery College security officers have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Safety and Security officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. The Safety and Security Office at Montgomery College maintains a highly professional working relationship with the Montgomery County Police Department, Rockville City Police, and Takoma Park Police. All crime victims and witnesses are strongly encouraged to immediately report the crime to campus Safety and Security Office and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

34 CFR 668.46(b)(4)(ii)

- b. Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

**What does this mean?**

Your policy statement *must* encourage individuals to report all crimes to the campus police and police agencies for your institution's jurisdiction in an accurate and timely manner. If your institution does not have campus police, you must state this.

**Sample Policy Statement Addressing the Encouragement of Accurate and Prompt Crime Reporting**

**General Procedures for Reporting a Crime or Emergency**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the University Police Department (UPD) in a timely manner. This publication focuses on UPD because it patrols the majority of the Foggy Bottom campus and the Mount Vernon-campus. However, Hospital Security should be contacted when incidents, emergencies, or crimes occur in the Hospital.

To report a crime or an emergency on the Foggy Bottom campus, call UPD at extension 4-6111 or, from outside the University phone system, (202) 994-6111. To report a non-emergency security or public safety related matter, call UPD at extension 4-6110 or, from outside the University phone system, (202) 994-6110.

To report a crime or emergency on the Mount Vernon-campus, call UPD at 2-6111 or, from outside the University phone system, (202) 242-6111. To report a non-emergency security or public safety related matter call UPD at 2-6110 or, from outside the phone system, (202) 242-6110.

If a crime or emergency occurs in the Hospital, call Hospital Security at (202) 715-5000.

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your call. In response to a call, UPD or Hospital Security will take the required action, dispatching an officer or asking the victim to report to UPD to file an incident report.

All UPD incident reports are forwarded to the Dean of Students office for review and potential action by the Office of Student Judicial Services. UPD Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Office of Student Judicial Services.

If assistance is required from the Metropolitan Police Department or the District of Columbia Fire Department, UPD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including UPD, will offer the victim a wide variety of services. GW has a Sexual Assault Crisis Consultation Team that has trained members who are available to assist a victim 24 hours a day.

This publication contains information about on-campus and off campus resources. That information is made available to provide GW community members with specific information about the resources that are available in the event that they become the victim of a crime. The information about "resources" is not provided to infer that those resources are "reporting entities" for GW.

Crimes should be reported to the University Police Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to the DC Rape Crisis Center would not be included in the GW crime statistics.

- c. Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

34 CFR 668.46(b)(4)(iii)

**What does this mean?**

Disclose if your institution has any procedures that encourage both pastoral and professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the institution's annual security report and Web-based report to ED. This may include both verbal and written encouragement. If your institution does not have these procedures, state this.

Note that this policy differs from the policy statement on Page 89. That statement does not specifically address pastoral and professional counselors.

**Sample Policy Statement Addressing Counselors  
(For Institutions With Confidential Reporting Procedures)**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

*Pastoral Counselor*

An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

*Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

**Sample Policy Statement Addressing Counselors  
(For Institutions Without Confidential Reporting Procedures)**

All reports will be investigated. The University does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to law enforcement agencies and when appropriate, to the University Disciplinary Committee for review. When a potentially dangerous threat to the University community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

34 CFR 668.46(b)(5)

4. Provide a statement **that describes the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.**

**What does this mean?**

Your statement should describe both the **type** and the **frequency** of two categories of programs for students and employees: programs dealing with security procedures and practices, and programs encouraging the campus community to look out for themselves and one another. You do not have to list every program, but be sure to address all of the statement's components (i.e., type, frequency, students and employees).

**Sample Policy Statement Addressing Security Awareness Programs**

**Security Awareness Programs**

During orientation in September (Medford/ Somerville) or August (Boston and Grafton), students are informed of services offered by the Tufts Police. Video and slide presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees. Crime Prevention Programs and Sexual Assault Prevention Programs are offered on a continual basis.

Periodically during the academic year the Tufts Police, in cooperation with other university organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), Rohypnol abuse, theft, and vandalism, as well as educational sessions on personal safety and residence hall security.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, and articles and advertisements in university and student newspapers.

When time is of the essence, information is released to the university community through security alerts posted prominently throughout campus, through computer memos sent over the university's electronic mail system and a voice mail broadcasting system.



5. Provide a description of programs designed to inform students and employees about the prevention of crimes.

34 CFR 668.46(b)(6)

**What does this mean?**

This statement specifically addresses programs designed to inform both students and employees about crime prevention. You must describe the programs. If you do not have any programs of this nature, you must provide a statement disclosing this fact.

### **Sample Policy Statement Addressing Crime Prevention Programs**

#### **CRIME PREVENTION PROGRAMS**

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. University Police personnel facilitate programs for student, parent, faculty, and new employee orientations, student organizations, community organizations, in addition to quarterly programs for Housing Services Resident Advisers and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. Starting in the fall we will be offering Rape Aggression Defense System (RAD) training. It is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors will teach the courses provided.

**Tip:** To enhance personal safety, and especially after an evening class, walk with friends or someone from class that you know well, or call the Eagle Patrol Services for an escort.

34 CFR 668.46(b)(7)

6. Provide a statement of **policy concerning the monitoring and recording, through local police agencies, of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.**

**What does this mean?**

This statement addresses whether your institution uses local police to monitor off-campus student organizations. Note that this concerns only those organizations that are officially recognized by your institution. If you do not have any off-campus student organizations, you must disclose this.

**Sample Policy Statement Addressing Criminal Activity Off Campus  
(For Institutions Whose Police Monitor Off-Campus Activity)**

When a Vanderbilt student is involved in an off-campus offense, police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Metro Nashville police routinely work and communicate with campus officers on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. Vanderbilt University operates no off-campus housing or off-campus student organization facilities. However, many graduate students and some undergraduate students live in the neighborhoods surrounding Vanderbilt. While Metro Nashville police have primary jurisdiction in all areas off campus, Vanderbilt officers can and do respond to student-related incidents that occur in close proximity to campus. Vanderbilt officers have direct radio communications with the city police, fire department, and ambulance services to facilitate rapid response in any emergency situation.

### **Sample Policy Statement Addressing Criminal Activity Off Campus (For Institutions Whose Police Do Not Monitor Off-Campus Activity)**

Student Affairs maintains contact with recognized fraternity and sorority organizations through the efforts of the Greek Affairs Advisor. University Police members do not provide law enforcement service to off-campus residences of recognized fraternity and sorority organizations nor are activities off-campus recognized by university authority. Criminal activity at recognized fraternity and sororities residences is monitored and recorded by the Fresno Police Department's Northeast Policing District. Student Affairs and University Police members enjoy a close working relationship with the Northeast Policing District's Neighborhood Policing, Problem Oriented Policing, and Tactical teams when violations of federal, state, or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns.

7. Provide a statement of **policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws.**

**What does this mean?**

This statement describes your policy concerning the possession, use and sale of alcohol. You must also disclose your policy for the enforcement of state laws relating to underage drinking.

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34 CFR 668.46(b)(8)

### **Sample Policy Statement Addressing Alcoholic Beverages**

#### **Sample Policy on Alcoholic Beverages**

The possession, sale or the furnishing of alcohol on the University campus is governed by UCSD Alcohol Policy and California state law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control (ABC). However, the enforcement of alcohol laws on-campus is the primary responsibility of the UCSD Police Department. The UCSD campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the UCSD Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the UCSD Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior University approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.

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34 CFR 668.46(b)(9)

8. Provide a statement of **policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws.**

**What does this mean?**

This statement discloses your policy concerning the possession, use and sale of illegal drugs. You must also disclose your policy for the enforcement of both federal and state laws pertaining to drugs.

**Sample Policy Statement Addressing Illegal Drugs**

**Sample Policy on Illegal Drugs**

The UCSD campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the UCSD Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

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34 CFR 668.46(b)(10)

9. Provide a **description of any drug or alcohol abuse education programs as required under Section 120(a) through (d) of the HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials it uses to comply with section 120(a) through (d) of the HEA.**

**What does this mean?**

To participate in any Title IV student aid program, an institution must verify that it has a drug and alcohol abuse prevention program available to students and employees. *Clergy Act* regulations ask for a description of these programs, and allow you to cross-reference the materials your institution uses to comply with the HEA. This is the only policy statement in the annual security report for which you can cross-reference materials. The text for Section 120(a)–(d) is in Appendix G of this handbook.

## Sample Policy Statement Addressing Substance Abuse Education

### ALCOHOL AND SUBSTANCE ABUSE INFORMATION

#### PREVENTION PROGRAMS

The College has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

Cayuga's Health Services Office provides an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other areas of the institution. These include:

**Alcohol and Drug Education:** College Health Services, Employee Assistance Program, College Health Class.

**Counseling Services:** Student Development Counselors, College Nurse, Employee Assistance Program.

**Referral Services:** Student Development Counselors, College Nurse, Employee Assistance Program.

**College Disciplinary Actions:** Faculty/Student Judicial Review Committee. Director of Student Development.

#### LOCAL, STATE & FEDERAL LEGAL SANCTIONS

##### Legal Sanctions – Laws Governing Alcohol

The State of New York sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the Office of Public Safety. Effective January 1, 1990, a package of state laws was passed regarding alcohol. They include the following:

1. Persons under age 21 found possessing alcohol may be given a maximum fine of \$50.
2. Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may have his/her driver's license suspended for up to 90 days.
3. Persons convicted of buying alcohol through fraudulent means face a possible \$100 fine and/or being required to do up to 30 hours of community service work.

*A violation of any law regarding alcohol is also a violation of the College's Student Code of Conduct and will be treated as a separate disciplinary matter by the College.*



**Remember, if your institution does not have a policy for a category addressed in the regulations, you must say so!**

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